

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PLANNED PARENTHOOD
FEDERATION OF AMERICA, INC., et al.,

Plaintiffs,

v.

CENTER FOR MEDICAL PROGRESS, et
al.,

Defendants.

Case No. [16-cv-00236-WHO](#) (DMR)

**ORDER ON ADMINISTRATIVE
MOTIONS FOR RELIEF FROM
DEFENDANTS' MOTION TO COMPEL**

Re: Dkt. Nos. 337, 338

Third parties Regents of the University of California (“Regents”) and Advanced Bioscience Resources’ (“ABR”) filed motions for administrative relief from Defendants’ October 25, 2018 motion to compel. Defendants responded. [Docket Nos. 337, 338, 339.] In the motion to compel, Defendants seek an order compelling the Regents and ABR to produce documents in response to subpoenas served by Defendants in 2017. The Regents and ABR ask the court to relieve them from responding to Defendants’ motion to compel due to Defendants’ failure to meet and confer with them prior to filing the motion.

Federal Rule of Civil Procedure 37 provides that when moving for an order compelling discovery, the moving party “must include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action.” Fed. R. Civ. P. 37(a)(1). Similarly, Local Rule 37-1 provides that “[t]he Court will not entertain a request or a motion to resolve a disclosure or discovery dispute unless, pursuant to Fed. R. Civ. P. 37, counsel have previously conferred for the purpose of attempting to resolve all disputed issues.” Civ. L.R. 37-1(a). In their opposition to the administrative motions, Defendants concede that they did not attempt to meet and confer with the Regents and ABR prior to filing their motion to compel, arguing only that “any such efforts would

1 have been futile.” Opp’n 2.

2 The court finds that Defendants have not justified their failure to meet the requirements of
3 Rule 37(a)(1) and Local Rule 37-1(a). Accordingly, the Regents and ABR’s administrative
4 motions are granted as follows: the portion of Defendants’ motion to compel pertaining to the
5 subpoenas to the Regents and ABR is denied without prejudice. The Regents and ABR need not
6 respond to the motion. Defendants’ motion to compel is confined to discovery served on
7 Plaintiffs.

8
9 **IT IS SO ORDERED.**

10 Dated: November 7, 2018

